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AMENDMENT TO THE DRAWINGS:

The attached sheets of drawings include changes to Fig. 2 and its replacement sheet. Figure 2 of the drawings is amended to show slots 23, 25 and partition 45 has been renumbered to 49.

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REMARKS

Reconsideration of this application as amended is requested. Claims 1-19 are in this application. Claims 1-5 and 9-14 are canceled. Applicant amends claims 15 and 17. New claims 18-19 are the rewritten previously presented claims 13 and 14, respectively.

No new issue is believed raised by the amendments. Applicant respectfully requests the examiner consider any amendment and these remarks and allow the claims. Applicant also incorporates the previous Remarks made in response to any previous Office Action into these Remarks.

The examiner objected to the drawings for not showing the slots in the inner walls and at least one removable partition.

Figure 2 of the drawings is amended to show slots 23, 25 and at least one removable partition 49. The drawings are now thought allowable.

Paragraph [0018] of the Specification is amended to add the terms "partition 49" after "removable" and to add the reference numerals 23, 25 after "slots". The amendment is not thought to add new matter and is thought allowable.

The examiner rejected claims 15 and 17 based on Section 112, second paragraph for the limitation of "the inner walls". Claims 15 and 17 are amended and now state "slots in one of the walls of the cabinet". The claims are now thought sufficiently definite as the claims previously defined several types of walls in the cabinet.

In the previous response, the examiner stated that Applicant's previous arguments were fully considered but not persuasive. The examiner stated because the module receiver 20 was permanently mounted to the seat frame, the module receiver

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20 was now part of the seat frame 42 and the whole assembly shown in Fig. 3 was the seat frame. Ex. Rem. p. 6.

Like module receiver 20, the floor of a motor vehicle also permanently mounts with the seat frame. Following the examiner's argument, the assembly of floor and seat frame could be considered either the seat frame or the floor. Furthermore, *Bush et al.* Fig. 5 shown the fabric or material 48 also permanently mounts to the seat frame 42 via the attachment bracket 44. Following the examiner's argument, the fabric would be part of the seat frame as well.

Module receiver 20, however, is no more part of the seat frame than the floor or fabric. Figure 3 merely shows that the seat frame 42 and module receiver 20 mount together using an attachment bracket 44.

Besides, the examiner's statement that the module receiver 20 is part of the seat frame contradicts *Bush et al.* *Bush et al.* states "FIG. 3 is a perspective view of a seat back frame having a module receiver made in accordance with the present invention attached thereto." Col. 2, l. 31-33 (emphasis added). *Bush et al.* further states that in Figs. 3 and 4 the seat back frame 42 includes an attachment bracket 44. Col. 3, l. 43-55. Attachment bracket 44 is used to secure module receiver 20 and fabric 48 to the seat back 14 with fasteners and a J-clip 50 respectively.

The examiner's argument also fails to meet the limitations of the claims. The claims recite "a seat frame being located *within* the seat back." Assuming, *arguendo*, the module receiver 20 was part of the seat frame as the examiner argues, the seat frame is not located within or inside of the seat back. Module receiver 20 is located outside of or on the exterior of the seat back. Figs. 1-6, col. 3, l. 17-18, 26-28.

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Moreover, module receiver 20 must be located outside of or on the exterior of the seat back to allow access to the release handle 38. Figs. 1-2, 4, 6; col.3, l. 37-38. The modular storage systems 120, 130 are removed by the user pulling release handle 38 located on the exterior of the seat back and module receiver 20. If module receiver 20 is located inside of the seat back 14, the user could not access the release handle 38.

The examiner rejected claims 6-8, 13, 14 and 16 as anticipated by *Bush et al.*, U.S. Pat. No. 6,199,948 under Section 102. The examiner restated part of his argument from his previous Office Action relating to Fig. 14 and added the alternate embodiment shown in Figs. 15, 15A..

Claims do not exist in a vacuum. For *Bush et al.* to anticipate the current invention, the claims must "read on" something disclosed by the invention. *In re Schreiber*, 44 USPQ2s 1429, 1435 (Fed. Cir. 1997); *Kalman v. Kimberly-Clark Corp.*, 218 U.S.P.Q. 781, 789 (Fed. Cir. 1983). That is, "all limitations of the claim are found in the reference, or 'fully met' by it." *Id.* at 789. Each element of the claim in issue is found either expressly described, the same or similar product under the doctrine of inherency, or the invention was previously known in a single prior art device or practice. *Id.* at 789.

Claims 13 and 14 depend on claim 17, which the examiner did not reject under Section 102. Because claim 17 was not rejected under Section 102, dependent claims 13 and 14 cannot be rejected under Section 102. Claims 13 and 14 have been rewritten as new claims 18 and 19 for clarification.

The examiner also states that a storage system 120, 130, a seat frame consisting of module receiver 20 and seat frame 42 set in seat back 1[4]. "[M]ultiple tabs/tongues 82 which extend outwardly from the inner wall and engage the receivers,

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said tongues being releasably held within the receivers by a release mechanism 36." P. 4-5.

Contrary to the examiner's statement, the tab/tongues 82 are not releasably held within the receivers by a release mechanism. Latch members 40 of module receiver 20 make up latch mechanism 36, which also includes a release handle 38 in module receiver 20. Col. 3, l. 37, 38; col. 4, l. 50-56. Latch member 40 engages formations 84 of insert portion not tab/tongue 82. The tabs/tongues of the insert module are placed into the apertures 34 of the module receiver 20. Then the latch members 40 of module receiver are placed into formations 84 of the insert portion, which together with the tabs/tongues cooperatively lock the insert module within the module receiver 20. As discussed above, to remove the storage system 130 one pulls the release handle 38 of module receiver 20 to release depress latch members 40 and release the latch members 40 from the formations 84. Then, one pulls out the bottom of storage system 130 to remove tab/tongue 82 from the apertures 35 in the module receiver 20.

The examiner has rejected claim 6 as anticipated by *Bush et al.*, U.S. Pat. No. 6,199,948 under Section 102. The examiner has stated that *Bush et al.* discloses a storage system 120 for use on a car seat back 14. As discussed above, the examiner considers the seat frame to be module receiver 20 and 42 set in the seat back. Cabinet mounts to the seat back by means of mechanisms 34 and 40. P. 3.

Claim 6 is not anticipated by *Bush et al.* Claim 6 recites "a seat frame being located *within* the seat back;" and "multiple tabs extending outwardly from the cabinet and engaging the seat frame". By contrast, *Bush et al.* teaches as previously discussed, module receiver 20 is located on the outside of the seat back and is not the

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seat frame. *Bush et al.* further teaches that tabs from the insert portion 90 engage the module receiver 20, not the seat frame 42 itself. If the seat frame is within the seat back, the tabs must engage the seat frame within the seat back as well. Because *Bush et al.* does not disclose all of the limitations of claim 6, *Bush et al.* does not anticipate claim 6. Claim 6, as well as claims 7-8 and claim 15 based on their dependency on claim 6, therefore distinguish patentably from *Bush et al.*

Claim 16 is not anticipated by *Bush et al.* as previously discussed for claim 6. Claim 16 recites "a seat frame being located within the seat back." As discussed above, if module receiver 20 is part of the seat frame as the examiner contends, the seat frame is not located within the seat back.

Claim 16 also recites "an inner wall opposite the outer wall and between the cabinet sidewalls and located adjacent the rear of the seat back at the forward slanting section." Claim 16 further recites "multiple receivers attaching to the seat frame" and "multiple tongues extending outwardly from the inner wall, each tongue releasably and matingly engaging one of the receivers". *Bush et al.* teaches multiple tongues 82 extending outwardly from the cabinet top, not an inner wall located adjacent to the rear of the seat back at the forward slanting section. Figs. 13, 14, 15A. Assuming *arguendo* module receiver 20 is part of the seat frame as the examiner contends, there are not multiple receivers attaching to the seat frame. And if module receiver 20 is not part of the seat frame, merely one module receiver 20 attaches to the seat frame, not multiple receivers.

Furthermore, *Bush et al.* teaches the insert portion 90 of the storage module attaches to module receiver 20 at the top and bottom of the cabinet, not with multiple

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tongues extending outwardly from the inner wall adjacent to the rear of the forward slanting section and releasably and matingly engaging one of the receivers. *Bush et al.* does not show any tongues on its cabinet inner wall. Figs. 11, 12, 15B, 15C, 17B, 18B. Because not all of the limitations of claim 16 are disclosed by *Bush et al.*, claim 16 distinguishes patentably from *Bush et al.*

The examiner rejected claim 15 under Section 103 as unpatentable over *Bush et al.* in view of *Bohnett*. The examiner stated that it would be obvious to one of ordinary skill in the art to add the slots and removable partitions of *Bohnett* to the cabinet of *Bush et al.*

The examiner's proposed combination does not meet the terms of claim 15. Claim 15 as amended recites "a seat frame being located within the seat back;" and "multiple tabs extending outwardly from the cabinet and engaging the seat frame." By contrast, *Bush et al.* recites a module receiver 20 attached to a seat frame with multiple tabs extending from the cabinet top to engage the module receiver, while *Bohnett* discloses removable partitions in slots.

As discussed above, if module receiver 20 is a seat frame, neither *Bush et al.* nor *Bohnett* teach the examiner's seat frame is located within the seat back. If the seat frame is within the seat back, the tabs must engage the seat frame within the seat back as well. Therefore, the combination that would result from adding the removable partitions that fit within slots of *Bohnett* to the cabinet of *Bush et al.*, as proposed by the examiner, would still lack "a seat frame being located within the seat back;" and "multiple tabs extending outwardly from the cabinet and engaging the seat frame" of claim 15. Therefore, claim 15 is patentably distinct from the combination of *Bush et al.*

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and *Bohnett*.

The examiner rejected claim 17 under Section 103 as unpatentable over *Bush et al.* in view of *Bohnett*. The examiner stated that it would be obvious to one of ordinary skill in the art to add the slots and removable partitions of *Bohnett* to the cabinet of *Bush et al.*

Claim 17 is patentably distinct from the combination of *Bush et al.* and *Bohnett*. The examiner's proposed combination does not meet the terms of claim 17. Claim 17 as amended recites "a seat frame being located within the seat back." As discussed above, if module receiver 20 is a seat frame, neither *Bush et al.* nor *Bohnett* teach this seat frame 20 is located within the seat back.

Claim 17 also recites "an inner wall opposite the outer wall and between the cabinet sidewalls and located adjacent the rear of the seat back at the forward slanting section." Claim 17 further recites "multiple receivers attaching to the seat frame" and "multiple tongues extending outwardly from the inner wall, each tongue releasably and matingly engaging one of the receivers". By contrast as discussed above for claim 16 and incorporated herein, *Bush et al.* recites a module receiver 20 attached to a seat frame with multiple tabs extending from the cabinet top to engage single the module receiver. *Bohnett* discloses removable partitions in slots. Therefore, the combination that would result from adding the removable partitions that fit within slots of *Bohnett* to the cabinet of *Bush et al.*, as proposed by the examiner, would still lack "a seat frame being located within the seat back;" "multiple receivers attaching to the seat frame" and "multiple tongues extending outwardly from the inner wall, each tongue releasably and matingly engaging one of the receivers" of claim 17.

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Therefore, claim 17, and claims 18 and 19 based on their dependency on claim 17, are patentably distinct from the combination of *Bush et al.* and *Bohnett*.

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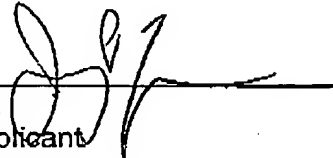
CONCLUSION

Applicant believes the Claims as amended, or newly submitted, are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this **AMENDMENT AFTER FINAL** is being facsimile transmitted to the Patent and Trademark Office on or before 3/26/07 to (571) 273-8300.

Date: 3/26/07


Catherine M. Majewski

Storage Unit For A Motor Vehicle

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Annotated Sheet Showing Changes

2/4

